

F26 D3  
EP  
11-1-85

Implementation of the  
National Environmental Policy Act (NEPA)

- o In February 1982 the Nevada Operations Office (NV) staff prepared a briefing paper on NEPA delegations of authority. The main concern of NV was that present procedures of determination and approval of Environment Assessments (EA) and Environmental Impact Statements (EIS) slow down field action (Background information attached).
- o NV recommended that they be given additional authority in the NEPA area:
  - NV be authorized to determine level of environmental documents for action involving their office.
  - NV prepare and approve all EA's.
  - NV prepare EIS's for Headquarters review and approval.
- o According to John Gilbert, MA-31, other Operations Offices have similar concerns and feel they should have additional NEPA authority.
- o Present levels of authority include:
  - Headquarters EP: Determines, after consultation with GC, the level of review under NEPA, i.e., EA, EIS, etc. EP approves all EA's and EIS's.
  - Field: Prepares EA's and EIS's and sends to EP for approval.
- o The Directives staff in MA-24 determined that the field never had an opportunity to comment on the NEPA Order.
  - Current DOE Order 5440.1B, "Implementation of the NEPA", dated May 4, 1982, was never coordinated since it only reflected the recent Departmental reorganization.
  - Previous DOE Order 5440.1A, "Implementation of the NEPA", dated October 20, 1980, also did not go out for coordination since it updated the EP Interim NEPA Directive.
  - IMD 5101, "DOE Interim NEPA Directive" dated October 29, 1977, was issued without coordination in the early days of DOE.
- o John Gilbert has tried to find a compromise position. He suggests the following approach:
  - Field prepares document to determine NEPA level (EA, EIS, no significant impact) and forwards decision to EP.
  - EP notify field within 10 days if they have a disagreement with field decision.
  - Field approve EA's.
  - Field prepares EIS's and sends to EP for approval.

RG434  
Management

Gilbert has discussed this with NV and NV was favorable. It has not been discussed with EP, but Gilbert felt that EP would be reluctant to relinquish their responsibilities. Gilbert's approach could not be implemented without revising the current Order. *John Gilbert, Box 3, 1100-65 Environmental Protection, Safety, & Emergency, Preparedness*

o Next Steps:

- Determine how "involved" MA should become in problem.
- Determine whether or not NEPA Order should be revised.
  - (1) MA-1/MA-2 could decide that Order should go out for review.
  - (2) Operations Office Managers could write memorandums to MA-1/MA-2 requesting that Order be sent out for review since they never had a chance to comment.
- Determine whether or now Gilbert compromise should be discussed with EP.

Feb '82

... Gilbert's approach could not be implemented without ... would be reluctant to relinquish ...